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10/728,058	12/03/2003	Tonni Sandager Larsen	40000-0050	1351

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EXAMINER	
CHU, DAVID H	
ART UNIT	**PAPER NUMBER**
2628	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/728,058	LARSEN ET AL.	
	Examiner	Art Unit	
	David H. Chu	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 December 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-49* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Acknowledgment is made of the amendment filed by the applicant on 12/19/2006, in which:

- Independent claims 1, 15, 24, 33 and 34 were amended

2. Claims 1-49 are currently pending in U.S. Application Serial No. 10/728,058 and an Office Action on the merits follows.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-6, 8-9, 11, 13, 15-17, 19, 21, 23-26, 28, 30, 32-33, 40-41, 43-44 and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Tazaki (PGPUB Document No. US 2002/0154140).

5. Note with respect to claims 1,

6. Tazaki teaches:

A method of transitioning between two high resolution images in a slideshow, said method comprising:

- Displaying a first image as part of said slideshow

  [*video frame "H: Scene_tk1"*] [Tazaki, 0088] (Tazaki, FIG. 10)

- Replacing said display of said first image with a display of a lower resolution copy of said first image

  [*Tazaki teaches applying a pixelation effect to the duration of 3 seconds. Pixelating frame as transition to the next frame is the equivalent of displaying a lower resolution copy of the originally displayed image. A pixilated image is clearly in lower resolution than the original image*]

- Continuing said slideshow by fading out said display of said lower resolution copy of said first image to reveal a display of a second image

  [*After the duration of 3 seconds the frame in the clip is revealed*]

7. Note with respect to claim 3,

8. Tazaki teaches:

   The method of claim 1, further comprising:

   - Pointing a video overlay at said first image to display said first image prior to said replacing of said first image

     [*Referring to the rejection presented in the previous action above with respect to claim 1, the head/initial frame image "H: Scene_tk1" is being displayed as a result of a* ***video overlay*** *pointing at the address of the specified frame in memory 207*]

     [Tazaki, 0045] (Tazaki, FIG. 2-3)

9. Note with respect to claims 4 and 9,

10. Tazaki teaches:

    The method of claim 1, further comprising:

    - Storing said first image in a first video buffer

      [*Tazaki teaches a main memory 2007. It is inherent for a memory to have plural storage*

locations (first/second video buffers).]

[Tazaki, 0045] (Tazaki, FIG. 2-3)

11. Note with respect to claim 5,

12. Tazaki teaches:

The method of claim 3, further comprising:

- Making said lower resolution copy of said first image

  [*As discussed above, Tazaki teaches applying a pixelation effect to a video frame*]

- Storing said lower resolution copy of said first image in a graphic buffer

  [*As the pixelation effect is being applied to the video frame, the pixelated frames are inherently stored in a buffer*].

13. Note with respect to claim 6,

14. Tazaki teaches:

The method of claim 5, further comprising:

- Pointing a graphic overlay at said lower resolution copy of said first image and enabling said graphic overlay

  [*As discussed above, Tazaki teaches applying a pixelation effect to a video frame. The process of carrying out the effect is the equivalent to enabling a graphic overlay. Further, the pixelation effect applied video frames being displayed inherently comprise of the system of Tazaki to point at a address in memory*]

15. Note with respect to claim 8,

16. Tazaki teaches:

The method of claim 6, further comprising:

- Pointing said video overlay at said second image before fading out said lower resolution copy of said first image to reveal said second image

[*Refer to rejection above with respect to claim 3. Note further, the pixelation transition effect reveals the next image/frame by completely Pixelating the first image.*]

17. Note with respect to claims 11 and 13,

18. Tazaki teaches:

The method of claim 1,

- Wherein said first image is a frame of a video clip

[Tazaki, 0045] (Tazaki, FIG. 2-3)

19. Note with respect to claim 15, claim 15 is similar in scope to the claims 4, 5, 9 and 1, thus the rejections to claims 4, 5, 9 and 1 hereinabove are also applicable to claim 15.

20. Note with respect to claim 16, claim 16 is similar in scope to the claim 3, thus the rejections to claim 3 hereinabove are also applicable to claim 16.

21. Note with respect to claim 17, claim 17 is similar in scope to the claim 5, thus the rejections to claim 5 hereinabove are also applicable to claim 17.

22. Note with respect to claim 19, claim 19 is similar in scope to the claim 8, thus the rejections to claim 8 hereinabove are also applicable to claim 19.

23. Note with respect to claim 21, claim 21 is similar in scope to the claim 11, thus the rejections to claim 11 hereinabove are also applicable to claim 21.

24. Note with respect to claim 23, claim 23 is similar in scope to the claim 15, thus the rejections to claim 15 hereinabove are also applicable to claim 23.

25. Note with respect to claim 24, claim 24 is similar in scope to the claim 1, thus the rejections to claim 1 hereinabove are also applicable to claim 24.

26. Note further, Tazaki teaches:

- A media viewer application operational with said device for reading said data storage medium, wherein said media viewer application further comprises a slideshow function that, when invoked, automatically displays images stored on said data storage medium to produce a slide show

  [*the image data editing system of Tazaki is the equivalent to the media viewer application as recited by applicant*]

27. Note with respect to claim 25, claim 25 is similar in scope to the claim 3, thus the rejections to claim 3 hereinabove are also applicable to claim 25.

28. Note with respect to claim 26, claim 26 is similar in scope to the claim 5, thus the rejections to claim 5 hereinabove are also applicable to claim 26.

29. Note with respect to claim 28, claim 28 is similar in scope to the claim 8, thus the rejections to claim 8 hereinabove are also applicable to claim 28.

30. Note with respect to claims 30 and 32, claims 30 and 32 are similar in scope to the claim 11, thus the rejections to claim 11 hereinabove are also applicable to claims 30 and 32.

31. Note with respect to claims 33, 44 and 49, claims 33, 44 and 49 are similar in scope to the claims 1 and 24, thus the rejections to claims 1 and 24 hereinabove are also applicable to claims 33, 44 and 49.

32. Note further, Tazaki teaches:

A system for displaying images stored on a storage medium, said system comprising:

- A video monitor

  [Tazaki, 0034] (Tazaki, FIG. 2-3)

- A device for reading a data storage medium and outputting a signal to said video monitor

  [Tazaki, 0034] (Tazaki, FIG. 2-3)

33. Note with respect to claim 40, claim 40 is similar in scope to the claim 16, thus the rejections to claim 16 hereinabove are also applicable to claim 40.

34. Note with respect to claim 41, claim 41 is similar in scope to the claim 17, thus the rejections to claim 17 hereinabove are also applicable to claim 41.

35. Note with respect to claim 43, claim 43 is similar in scope to the claim 19, thus the rejections to claim 19 hereinabove are also applicable to claim 43.

Claim Rejections - 35 USC § 103

36. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

37. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

38. Claims 2, 7, 14, 18, 27, 34-39, 42 and 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tazaki.

39. Note with respect to claim 2,

40. Tazaki does not expressly teach:

The method of claim 1, further comprising:

- Disabling a graphic overlay and displaying said first image prior to replacing said first image

41. However, it is well known in the art, to select all unwanted objects (including graphic overlays) and delete (clear) them as desired.

42. Therefore, it would have been obvious to one of an ordinary skill in the art apply the method of ***disabling a graphic overlay and displaying said first image*** to the ***teachings of Tazaki***, because ***this will allow the prevention of displaying unwanted images***.

43. Note with respect to claim 7,

44. Tazaki does not expressly teach:

The method of claim 6, further comprising:

- Completely covering a display of said first image with said graphic overlay of said lower resolution copy of said first image

45. However, it is well known in the art to apply transition effect to the entire image (video frame) on which the effect is being applied. This enables a more effective and smooth transition effect to the user viewing the transition.

46. Therefore, at the time of the invention, it would have been obvious to one of an ordinary skill in the art ***to completely cover said first image with a with said graphic***

overlay of said lower resolution copy of first image, because ***not being able to completely cover the higher resolution image will be less efficient and smooth during the special effect transition***.

47. Note with respect to claim 14,

48. Tazaki does not expressly teach:

The method of claim 1, further comprising:

- Centering and resizing said first and second images to fit respective buffers prior to said replacing said first image

49. However, it is well known in the art to adjust/align the beginning and ending images/frames on which a transition effect is being applied to, because this allows smooth transition between the beginning and ending of the transition.

50. Therefore, at the time of the invention, it would have been obvious to one of an ordinary skill in the art to ***adjust/align the beginning and ending images/frames on which a transition effect is being applied to***, because ***this allows smooth transition between the beginning and ending of the transition***.

51. Note with respect to claims 18 and 42, claims 18 and 42 are similar in scope to the claims 6 and 7, thus the rejections to claims 6 and 7 hereinabove are also applicable to claims 18 and 42.

52. Note with respect to claim 27, claim 27 is similar in scope to the claims 6 and 7, thus the rejections to claims 6 and 7 hereinabove are also applicable to claim 27.

53. Note with respect to claims 34-39 and 45-48, it is well known in the art to apply said device for reading said data storage medium to the different devices as recited by applicant.

54. Therefore, it would have been obvious to one of an ordinary skill in the art to ***utilize the different devices recited by applicant***, because ***they are merely different devices capable of carrying out the same function***.

55. Claims 10, 12, 20, 22, 29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tazaki as applied to claims 1-9, 11, 13-19, 21, 23-28, 30 and 32-49 above, in view of Doepke et al. (PGPUB Document No. US 2005/0231511).

56. Note with respect to claims 10, 20 and 29,

57. Tazaki et al. does not expressly teach:

The method of claim 1,

- Wherein said first image is a still image

58. However, Doepke et al., teaches:

The method of claim 1,

- Wherein said first image is a still image

[*Defining a transition effect to slideshows*]

[Doepke et al., 0008]

59. Therefore, at the time of the invention, it would have been obvious to one of an ordinary skill in the art to apply the ***applying transition effects to a slideshow teaching of Doepke et al.,*** to the ***pixelation transitioning effect teaching of Tazaki et al.,*** because ***this allows added transitioning effects to slideshows***.

60. Note with respect to claims 12, 22 and 31, claims 12, 22 and 31 are similar in scope to the claim 10, thus the rejections to claim 10 hereinabove are also applicable to claims 12, 22 and 31.

Response to Arguments

61. Applicant's arguments, filed 12/19/2006, with respect to the rejection(s) of claim(s) 1, 15, 24, 33 and 44 under § 103(a), have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Tazaki.

62. Applicant's arguments filed 12/19/2006 with respect to claims 2, 3, 16 and 25 have been fully considered but they are not persuasive.

63. Note with respect to claim 2,

64. The applicant argues:

- A graphic overlay being disabled, as recited by applicant is not the equivalent to a graphic overlay being cleared or deleted

  [*disabling a graphic overlay has the same effect as deleting a graphic overlay*]

65. Note with respect to claim 3,

66. The applicant argues

- A video overlay is not simply a means for selecting an image to be displayed, as stated in the office action, but provides the additional capacity to overlay or fade in or out that image

[*However, the details of how a video overlay has the additional capacity is not claimed nor explicitly explained pertaining to a video overlay*]

Conclusion

67. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H. Chu whose telephone number is (571) 272-8079. The examiner can normally be reached on M-TH 9:00am - 7:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark k. Zimmerman can be reached on (571) 272-7653. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DHC

KEE M. TUNG
SUPERVISORY PATENT EXAMINER